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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/787,299 | 05/21/2001 | Tadashi Takano | SIMTEK6241 | 8159 |

25776 7590 06/13/2002

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EXAMINER

LE, DANG D

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2834

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,299

Applicant(s)

TAKANO, TADASHI

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Grundl et al.

Regarding claim 1, Grundl et al. show a rotary electric apparatus (Figure 1) comprising a first element (50) having a permanent magnet (54), and a second element (30) with magnet wires (38) wound around cores (grooves 49, air cores), said first and said second elements being supported for relative rotation, said magnet wires (38) comprising plural enameled wires (39, column 16, line 4) twisted together (column 5, lines 1-20) to form a stranded cable (38, column 16, line 3) that is subsequently wound around said cores.

Regarding claim 4, it is noted that Grundl et al. also show outlet wires (Figure 2, ends of wires 39) constituted as stranded wires associated with the magnet wires.

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Regarding claim 5, it is noted that Grundl et al. also show an insulating coating encircling the enameled wires and the strand thereof for further retaining the stranded wires in position after the winding (column 5, lines 49-55).

Regarding claim 6, it is noted that Grundl et al. also show the insulating coating comprising a plastic material (resin, column 5, line 52).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grundl et al. in view of Tolmie, Jr.

Regarding claim 2, Grundl et al. show all of the limitations of the claimed invention including the first and said second elements placed within a casing (10, 11), the first element comprising a rotor (50) supported for rotation with said casing (10, 11), said second element comprising a stator (30) fixed to said casing. Grundl et al. do not show an encoder for acquiring control signals provided on the outside of said casing.

Tolmie, Jr. shows an encoder (36, Figure 2) for acquiring control signals provided on the outside of said casing (17) for the purpose of controlling the motor operation.

Since Grundl et al. and Tolmie, Jr. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the outside of said casing as taught by Tolmie, Jr. for the purpose discussed above.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grundl et al. in view of Kim.

Regarding claim 3, Grundl et al. show all of the limitations of the claimed invention including the first and said second elements placed within a casing (10, 11), the first element comprising a rotor (50) supported for rotation with said casing (10, 11), said second element comprising a stator (30) fixed to said casing. Grundl et al. do not show an encoder for acquiring control signals is provided on the inside of said casing.

Kim shows an encoder (100) for acquiring control signals is provided on the inside of said casing for the purpose of controlling the motor operation.

Since Grundl et al. and Kim are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide an encoder for acquiring control signals on the inside of said casing as taught by Kim for the purpose discussed above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Information on How to Contact USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
June 7, 2002



NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
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